

REMARKS/ARGUMENTS

Status of Claims

Claims 1 to 20 are pending in this application with claims 1, 8, and 16 being the only independent claims. Claims 2, 4-7, 9, and 11-15 have been withdrawn from consideration in view of the Species Election Requirement. Claims 8 and 9 have been amended to address a formality issue without narrowing the scope of the claim or any element contained therein. Newly added claims 18-20 are supported by the previously presented claims 1, 8, and 16 and read on the elected species.

No new matter has been added.

Overview of the Office Action

Claim 8 has been objected to due to a minor informality, which has been address above.

Claim 16 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Boreali (US 6,210,515)

Claims 1, 3, 8, and 10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Sakai (JP 11-320989A) in view of Boreali.

Claim 17 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Boreali in view of Sakai.

Summary of the Subject Matter Disclosed in the Specification

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses a printer 2 comprising a print head 7, a medium transport device 15 for transporting a supply of printing medium 10, and a control unit 3 controlling the operation of the medium transport device 15. The control unit 3 operates to activate the medium

transport device 15 to carry out a rest state transport at periodic intervals, within which, even without the presence of a print job, the medium transport device 15 transports the printing medium 10 in and/or counter to an output transport direction 12. *See*, page 2, lines 10-17 of the specification as filed. Additionally, the rest state transport takes place at the start of an activation of the printer caused by a print job before the print job is processed (*see*, original claims 7 and 14 and page 4, lines 1-7).

During the rest state transport, the control unit 3 activates the medium transport device 15 in such a way that the printing medium 10 is initially conveyed from an initial position in a direction opposite to the output transport direction 12. As a result, the printing medium 10 entering into a connection with the print head 7 and the pressure roller 8 is pulled out by the pressure roller 8. The control unit 3 then activates the medium transport device 15 to convey the retracted printing medium 10 in the output transport direction 12 back into the initial position. This procedure can be repeated, as the system comes to the initial position present before the rest state transport. *See, e.g.*, page 3, lines 10-24. The rest state transport prevents the formation of an adhesive connection or the adhesive bonding of the printing medium 10 with components 7, 8 in contact with the printing medium 10. *See*, page 2, lines 24-29.

Patentability of the Claimed Invention

A. Independent Claim 1

Independent claim 1 recites the following:

the control unit is arranged to activate the medium transport device in such a way that the medium transport device carries out a rest state transport ... at the start of an activation of the printer caused by a print job before processing the print job.

When rejecting independent claim 1, the Office Action concedes that Sakai fails to teach the transport device carrying out a rest state transport at the start of an activation of the printer

caused by a print job before processing the print job (see page 5 of the Office Action). The Office Action then cites Boreali to remedy Sakai's deficiencies stated above.

Based on the following reasons, Boreali does not teach what Sakai lacks.

The portions of Boreali cited by in the Office Action teach operating the drive roller 16 in a "forward rotation" before formatting the printer 10 and in a "reverse rotation" after formatting the printer 10 prior to printing. During the forward rotation of the drive roller 16 before formatting the printer 10, the leading edge 22 of the first label from the roll 12 is aligned with the cutter 18 (see, col. 4, ll. 30-38 of Boreali). In doing so, the leading edge 22 is not under the print head 17 to thus avoid the adhesive 14 from grabbing the roller 16 and wrap around the roller 16 (see, col. 4, ll. 38-45 of Boreali).

There is no teaching in Boreali that the forward rotation of the drive roller 16 is caused by a print job. Boreali merely teaches that such forward rotation is under control of the computer 20 and the firmware in the printer 10. Therefore, the forward rotation of Boreali's drive roller 16 does not teach the "rest state transport ... at the start of an activation of the printer caused by a print job before processing the print job," as recited in independent claim 1.

The reverse rotation of Boreali's drive roller 16, on the other hand, is carried out after formatting the printer 10. Consequently, the reverse rotation of Boreali's drive roller 16 does not teach the "rest state transport ... at the start of an activation of the printer caused by a print job before processing the print job," as recited in independent claim 1.

In view of the above, Boreali does not remedy Sakai's deficiencies. Accordingly, independent claim 1 patentably distinguishes and is allowable over Sakai in view of Boreali. Withdrawal of the rejection of independent claim 1 is hereby respectfully requested.

B. Independent Claims 8 and 16

Similar to independent claim 1, independent claim 8 recites “transporting a printing medium with a medium transport device, even without a print job in and/or opposite to an output transport direction at periodic intervals during rest state transport, and at the start of an activation of the printer caused by a print job before processing the print job.” Also, independent claim 16 recites that “at the start of an activation of the printer caused by a print job and before processing the print job, the medium transport device carries out a rest state transport.”

Accordingly, independent claims 8 and 16 are each allowable for at least similar reasons stated above in connection with Boreali.

C. Dependent Claims 3, 10, and 17-20

Claims 3, 10, and 17-20 depend, either directly or indirectly, from independent claim 1, 8, or 16 and are thus allowable therewith.

In addition, claims 3, 10, and 17-20 include features which serve to even more clearly distinguish the present claimed invention over the prior art of record.

For example, new claims 18-20 each recite that “during the rest state transport, the medium transport device transports the printing medium in and opposite to the output transport direction.” Support for these features is found in the previously presented claims 1, 8, and 16. According to new claims 18-20, the rest state transport includes transporting the printing medium in opposite directions before processing the print job. In contrast, Boreali teaches reversing the label leading edge 22 after the printer 10 is completely formatted (see, col. 4, ll. 38-49 of Boreali). Accordingly, new claims 18-20 further distinguish the present invention over Boreali.

D. Dependent Claims 2, 4-7, 9, and 11-15

Applicants respectfully request that the Examiner consider the additional species covered by claims 2, 4-7, 9, and 11-15 and rejoin the same in the subject application upon the allowance of the generic or linking claims—independent claims 1 and 8.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited. Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

No fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our PTO Deposit Account No. 03-2412.

Respectfully submitted,
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